

PATENT

REMARKSSummary of the Office Action.

Claims 1-5 and 7-23 were pending. Claims 7-23 have not been examined as they are drawn to a non-elected invention. Claims 1-5 and 7-23 have been rejected under 35 U.S.C. 102(b) as being anticipated by Maddox U.S. patent No. 1,340,630 ("Maddox").

The Drawings have been objected to as not showing every feature of the claimed invention.

Applicant's ReplyDrawings

Applicants submit a complete set of replacement drawings (6 sheets, informal) for FIGS. 1 -6. FIGS. 2 and 6 have been amended to show the compressible padding, and hook & fastener features recited in claims 5 and 9, respectively..

FIG. 1 has been amended to show rigid and flexible plate segments that are described in ¶ [0023] of the specification. The specification ¶[0023] has been amended to include numeral identifiers 190 and 192 used in FIG. 1 for the rigid and flexible plate segments, respectively. No new matter is added.

Claims 1-5 and 7-13

Applicant has amended claims 1 and 10-13 for clarity. Applicant respectfully traverses the prior art rejection.

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The elements of applicant's inventive injury immobilization apparatus, according to claim 1, include a first and second plate that are connected by a hinge. Further, the apparatus includes "a rod" extending from the first plate to the second plate, which rod "maintains the first plate in a fixed position relative to the second plate when the apparatus is in use."

Applicant submits that Maddox does not show this feature of the claim 1. Accordingly, claim 1 is not anticipated by, and is patentable over Maddox.

Further, dependent claims 2-5 and 7-12 are patentable over Maddox for at least the same reasons as parent claim 1.

New Claims 24 and 25.

Applicant presents new claims 24 and 25 for examination. Now new matter is added. (See specification, ¶[0023] and FIG. 1.). These claims 24 and 25, like claims 1-5 and 7-12, are drawn to the elected Group 1 invention, which was associated with FIGS. 1-5 in a previous Office Actions/Replies.

In applicant's inventive apparatus, according to claim 24, the first and second plates are "flat when the apparatus is not in use." However, in use "the first and second plates remain rigid in their lengthwise direction while in their width-wise directions the plates are molded into a semi-cylindrical or concave shape that is adapted to engage the curved portion of a body part." This property of the first and second plates, according to claim 25, comes about because "the plates are formed of alternating rigid and flexible plate segments that provide rigidity in the lengthwise directions of the plates and flexibility in the width-wise directions of the plates."

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Applicant submits that the limitations of claims 24 and 25 are not shown by the prior art (including by Maddox).. Accordingly, claims 24 and 25 are patentable.

Conclusion

Applicant respectfully submits that this application is now in condition for allowance. Reconsideration and prompt allowance of which are requested. If there are any remaining issues to be resolved, the applicant requests that the Examiner contact the undersigned attorney for a telephone interview.

Respectfully submitted,

By: 

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